

MIDDLETOWN PLANNING AND ZONING COMMISSION

EXCERPT OF MARCH 11, 2020 PUBLIC HEARING

Commissioner Pattavina: 6.4 Petition for Text Amendments to Section 61 and 40 to modify language related to prohibited uses rooming houses and clinics in the Middletown Zoning Code Applicant/Agent City of Middletown PCD Department Z2020-2.

Marek Kozikowski: Just bear with me one second here. Ok so there are two prohibited uses that are listed in Section 61-05 that are prohibited in all zones and I won't read all the prohibited uses unless you want me to but the two that are proposed to be stricken are methadone clinics and rooming houses. At the directive of the Mayor to ask staff to look into the prohibition of those uses and to evaluate them as they might be discriminatory. What the proposal does is strikes those two uses from the prohibited uses - list of prohibited uses but if we're now allowing them I added more amendments to make sure they fit in the right box and as I discussed with the commissioner on prior applications, anytime we have permitted uses I want to make sure we have a definition. I want to make sure we know what the zones there are that are allowed in, and I want to make sure we know what a parking demand would be for them so that explains the amendments to 61-02 which would put rooming houses and clinics for mental health and/or substance abuse diagnosis and treatment as special exception uses. Rooming houses would be in the MX and the ID zones and the clinics would be put in the floating zone - substance abuse, mental health floating zone - the SMH Zone. That's an existing floating zone that allows this sort of establishment by way of a map amendment approved by the Planning & Zoning Commission. To go back to rooming houses I discussed this with the Department of Health and they were able to identify 33 rooming houses that they inspect and make sure they're following specific housing code requirements that are required as part of the City Charter. These rooming houses on this list include community housing services, hotels, university housing, and fraternities already has it. I looked at those existing 33 locations and evaluated what zones they're in and there was a mix but they were predominantly in the MX and ID zones so that explains the rationale for putting them in those zones. Moving forward to parking requirement for these two uses there was existing language for rooming houses with a link to urban core living unit. I thought the requirement was sufficient so I just cleaned up the language there to make sure the references follow a coherent manner and as far as the clinics there was no definite parking requirement for

mental health or substance abuse uses but there was for medical dental clinic. I looked at that requirement for medical dental clinic and it seemed to be sufficient and follow the same type of traffic patterns so the amendment there would to strike the terminology medical dental and be open to all types of clinics. And as I mentioned before I like to make sure all the uses that are allowed in - by regulation have definitions and are existing definitions for clinics as well as for rooming houses in the zoning code so I didn't have to make any changes there. If you have any questions I'd be happy to entertain any.

Chairman DeVoto: Are there any members of the public who wish to speak on this proposed text amendment? Any questions from? Oh sorry -

Steven Zuckerman: Hi my name is Steven Zuckerman. I'm the CEO and president of the Root Center for Advanced Recovery. We have 10 behavioral health clinics across the state of Connecticut and we're very much in support of this text amendment. One of the things we do is methadone treatment so right now any client who needs methadone treatment can't get methadone treatment in the City of Middletown. We have 121 clients who actually live in your town who have to go outside the town to get treatment. Substance abuse mental health impacts everyone of us - some family member, some cousin, some relative. And in the City of Middletown there's no treatment for methadone. So when I think about this I think about diabetes. Imagine if any of us had diabetes, a family member had diabetes and you were told "you know what in Middletown you can't get your insulin. You have to go outside of the town to be able to get your insulin". I'm sure most of the members of the commission here would say "wow that would seem discriminatory". We feel the same way. You should be able to get your medication, your life saving treatment in any town that you live in and we want to be able to be here to be the ones to help those clients and bring the 120 clients who are outside of Middletown but live here back home. The City of Middletown had 13 overdoses this past year in 2019. The opioid epidemic is getting worse. Let's make sure the Town of Middletown gives the same access to people with an addiction, a disease, as everyone else has for their disease. That's it. Thank you.

Chairman Devoto: Commissioner Johnson?

Commissioner Johnson: Marek will you refresh my memory. What is SMH? Is it a zone?

Marek Kozikowski: It's a floating zone referenced in Section 39C of the Middletown Zoning Code. It's the substance abuse/mental health floating zone. That's what it's called.

Commissioner Johnson: So in other words it can be anywhere as long as it meets certain criteria?

Marek Kozikowski: Correct.

Commissioner Johnson: And do we have the criteria besides the parking?

Marek Kozikowski: It does list the space locations that are available for this rezoning to the floating zone which includes portions of Saybrook Road, Main Street Extension, South Main Street, Washington Street, and Silver Street within defined borders it's in the Code and I can quote it for you if you'd like but -

Commissioner Johnson: Alright so I, we don't have a map where the floating zone can occur within. We don't have a map.

Marek Kozikowski: No we don't have a floating map. No.

Commissioner Johnson: So um...

Marek Kozikowski: It wouldn't - the floating zone wouldn't appear on the zoning map until the commission took an action to rezone a property to this floating zone.

Commissioner Johnson: I see but I.... I'm aware of... I did a master plan in Hartford where there was a methadone clinic and you know, what I don't like about what I'm reading because I'm listening to it in two different ways. I wouldn't want it to be a stand alone place, but of course we could never control that. It would be nice if it was just included in a hospital or any kind of health services building and not called out. Secondly we have residential areas adjacent to all these places. This is not to call it out as a kind of a building that people can't live near but I'm just saying I would have a better understanding of where it could go if I could see a map and see what the intent was so. Secondly I'll just use my mic time for this. It is ridiculous to have something called an urban core living unit and then require at least two spaces for two or more bedrooms. So I know we're going to have to revisit our parking standards at some point but if this is still something we can change now it should go to .8 space per unit because that's like the minimum that's what is used and that's the minimum. Real usage in a real world. People who live downtown don't have two spaces. So, that's it.

Marek Kozikowski: So was that .8 for regardless of the number of bedrooms?

Commissioner Johnson: You're saying 40.04.18?

Marek Kozikowski: Yes. How would you like to see it read?

Commissioner Johnson: I don't (thank you). The developer decides how much parking to provide. I know that might be mind blowing to a number of people hearing that but that is how things are done and that's how units are sold now. The parking is uncoupled from the unit. So -

Marek Kozikowski: So no parking minimum is what you.....?

Commissioner Johnson: No parking minimum. Exactly thank you.

Chairman Devoto: Commissioner O'Connor. O'Connell sorry.

Commissioner O'Connell: Thanks. Could somebody provide a clarification? We are being asked to address the change for special exemption use 61-02-xx rooming houses. Will there be any impact from this change to the 32 already in use rooming houses and based on language provided here appear to be prohibited. So obviously we don't want to prohibit our only hotel in town and certainly rooms over at our only university in town but...just maybe some clarification.

Marek Kozikowski: Sure. Any of these establishments that might be in one of the zones not listed that are not the MX zone or the ID zone absolutely nothing will change. For the establishments that are in the MX zone and ID zone would validate them to some extent in that they would be permitted albeit with special exception use so if they were to make any wanting to make any amendments such as expand or change something substantially it would give them a mechanism to do so through a special exception process.

Commissioner O'Connell: It sounds like then they are grandfathered in?

Marek Kozikowski: Yes. It wouldn't change anything.

Commissioner O'Connell: OK thank you. I appreciate your response.

Chairman Devoto: So question to staff I just want to be clear on the parking suggestion of Commissioner Johnson. Can we as part of this application strike the language or replace one or no bedrooms one space, two or more bedrooms two spaces with a phrase "No Parking Minimum"?

Marek Kozikowski: If that's your recommendation I can do that.

Chairman Devoto: Okay. I will support that recommendation. I believe that developers should not be forced to make a certain number of parking spaces by anything other than the market and so I support that.

Marek Kozikowski: No if ...So I hear two requests. One of them to provide a map showing eligible property for rezoning to the floating zone as well

as this proposal to the parking requirement for the urban core living unit. So what I request is for the commission to continue the public hearing to the next opportunity to provide me an opportunity to make these modifications and make sure we can do the proper posting requirements that are statutory required.

Commissioner ____: I make a motion to extend and table till the next meeting.

Marek Kozikowski: Next meeting or the following meeting. Make sure I can meet the ____.

Commissioner ____: Or the following meeting. For the staff to make the changes.

Commissioner ____: Second.

Chairman Devoto: Motion has been made. Seconded to continue the public hearing. All those in favor signify by say I.

Participants: I.

Chairman Devoto: Opposed.

Chairman: Extension motion carries unanimously.